

REMARKS

On page 2 of the Office Action, under Oath/Declaration, the Examiner states that the "Provisional Application" No. is not provided to claim priority and that appropriate correction is required. It is unclear to the Applicants whether the Examiner is requesting a corrected Oath/Declaration.

35 U.S.C. 119 e) 1) states, in pertinent part:

An application for patent filed under section 111(a) or section 363 of this title for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in a provisional application filed under section 111(b) of this title, by an inventor or inventors named in the provisional application, shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under section 111(b) of this title, if the application for patent filed under section 111(a) or section 363 of this title is filed not later than 12 months after the date on which the provisional application was filed ***and if it contains or is amended to contain a specific reference to the provisional application. No application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment containing the specific reference to the earlier filed provisional application is submitted at such time during the pendency of the application as required by the Director.*** (emphasis provided).

In this amendment, Applicants are amending the Cross Reference to Related Applications section to include a specific reference to the earlier filed provisional application. Thus, under 35 U.S.C. 119 e) 1), Applicants submit that they have met the criteria for a valid priority claim and do not need to submit an amended Oath/Declaration.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as invention.

The Examiner states that there is no antecedent basis for "the 802.xx spectrum" in the claims. The claims have been amended to correct the antecedent basis problem. The Examiner also states that there is no antecedent basis for "an 802.xx WLAN" in lines 7 and 9 of claim 1 and other claims. Applicants respectfully disagree. The first time an element is introduced in a claim, it must be preceded by "a" or "an." Thus, there is antecedent basis for "an 802.xx WLAN" in the claims.

The Examiner states that “802.xx” in the claims is indefinite because it is not clear as to the indefinite meaning of “xx” appended to “802.” Applicants respectively disagree. It is commonly known by a person of ordinary skill in the art that “802.xx” refers to a family of networking specifications developed by a working group of the Institute of Electrical and Electronics Engineers (IEEE). There are several specifications in the family, hence the “xx” designation. For example, the family includes 802.11, 802.11a, 802.15, 802.16, to name but a few.

The Examiner states that the limitation “capable of servicing” does not limit the scope of the claim or claim limitation. The claims have been amended to substitute “than can service” for “capable of servicing.”

Claims 2-17 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 1 has been amended to include the limitations of allowable claim 2. Claim 2 has been cancelled. Allowable claim 3 has been rewritten in independent form to include all of the limitations of former base claim 1. Former apparatus claim 18, now apparatus claim 19, is an apparatus claim that corresponds to method claim 1. Applicants submit that apparatus claim 19 is allowable based on the same reasons as method claim 1. New apparatus claim 22 corresponds to method claim 3. Applicants submit that apparatus claim 22 is allowable based on the same reasons as method claim 3. Claims 20 and 21 have been cancelled.

In view of the foregoing remarks, Applicant submits that independent claims 1, 3, 19 and 22 are in condition for allowance. Applicants further submit that claims 4-18 are allowable by virtue of their dependency on independent claims 1 and 3. Applicants request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,
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ATTACHMENT

Amendments to the Drawings

The Examiner has requested that Figures 1 and 2 be corrected to include a legend such as Prior Art. A new set of drawings in which Figures 1 and 2 have been amended to include the legend --Prior Art -- are submitted as an attachment to this amendment.